

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

|                  |   |                      |
|------------------|---|----------------------|
| ANIBAL MELENDEZ, | ) |                      |
|                  | ) |                      |
| Petitioner,      | ) |                      |
|                  | ) |                      |
| v.               | ) | Civ. No. 04-1537-SLR |
|                  | ) |                      |
| THOMAS CARROLL,  | ) |                      |
| Warden,          | ) |                      |
|                  | ) |                      |
| Respondent.      | ) |                      |

**ORDER**

For the reasons set forth in the memorandum opinion issued this date, IT IS HEREBY ORDERED that:

1. Petitioner Anibal Melendez's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is DENIED. (D.I. 2)

2. The court declines to issue a certificate of appealability.

Dated: January 5 , 2006

  
UNITED STATES DISTRICT JUDGE